IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

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§	CIV. CASE NO. 3:18-cv-00076-N
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§	JURY TRIAL DEMANDED
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PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

COME NOW, Plaintiffs YVETTE GBALAZEH, LEE SUNBURY, and FRED SIMS on behalf of themselves and all others similarly situated (collectively, "Plaintiffs"), file this their Motion for Summary Judgment (this "Motion"), and respectfully states as follows:

- 1. COUNT I That the Challenged Laws violate the First and Fourteenth Amendment; and, that because the enforcement of the Challenged Laws violates many principles of law, there is no genuine issue as to any material fact that prevents the Court from declaring the City's policies of enforcement unlawful and permanently enjoining Defendant from enforcing the Challenged Laws.
- 2. COUNT 2 That any arrests made pursuant to the Challenged Laws violates the Fourth and Fourteenth Amendment; and, that because the enforcement of the Challenged Laws violates many principles of law, there is no genuine issue as to any material fact that prevents the Court from declaring the City's policies of enforcement unlawful and permanently enjoining Defendant from enforcing the Challenged Laws.
- 3. The elements of each claim or defense as to which summary judgment is sought will be more fully articulated in Plaintiff's Brief in Support of Motion for Summary Judgment, which will be filed

in accordance with LR 56.5, and comply with the requirements of LR 7.2. In accordance with LR 56.6, Plaintiff will also file an Appendix.

REQUESTED RELIEF

- 4. Plaintiffs respectfully ask the Court to enter an order granting this Motion for Partial Summary Judgment, and requests the following relief against Defendant, their agents, servants, employees, attorneys, and all persons and entities in active concert or participation with them, directly or indirectly:
 - a. A declaratory judgment that the Challenged Laws violate the First, Fourth, and Fourteenth Amendment;
 - b. A declaratory judgment holding that any arrests and detention made pursuant to the Challenged Laws was an unlawful violation of 42 U.S.C. § 1983; and
 - c. A permanent injunction prohibiting the City from enforcing the Challenged Lawshereby submit this Application for Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65 and the Local Civil Rules of the Northern District of Texas.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request the Court grant this their Motion for Summary Judgment and enter a preliminary injunction in substantial conformity with the Proposed Order attached hereto, and for any such further relief at law or in equity to which they may be entitled.

Dated: August 26, 2019.

Respectfully submitted,

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By: /s/Ramon de Jesus Rodriguez Ramon de Jesus Rodriguez State Bar No. 24088319

ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on August 26, 2019 a true and correct copy of the foregoing application and supporting documents were served on Defendant's counsel of record via ECF in accordance Federal Rules of Civil Procedure.

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By: /s/Ramon de Jesus Rodriguez
Ramon de Jesus Rodriguez